

(24)  
6/19/02  
48m

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT C. WELDON,

Plaintiff

vs.

MR. NORK, et al.,

Defendants

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CIVIL NO. 1:CV-01-1098

(Judge Caldwell)

FILED

JUN 19 2002

O R D E R

PER 48m  
HARRISBURG, PA. DEPUTY CLERK

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Robert C. Weldon, an inmate at the State Correctional Institute at Dallas ("SCI-Dallas"), Dallas, Pennsylvania, filed this pro se civil rights complaint pursuant to 42 U.S.C. § 1983. On March 12, 2002, the sole remaining defendant in this action, Correctional Officer ("CO") Nork, filed a motion for summary judgment. Defendant Nork simultaneously filed a brief with supporting exhibits in support of his motion. On April 12, 2002, plaintiff requested an enlargement of time to respond to the pending motion. Weldon was granted a sixty (60) day enlargement of time to file a response. To date, plaintiff has failed to file a brief in opposition to defendant's motion.

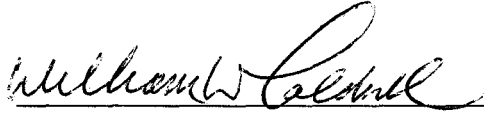
Generally, a dispositive motion may not be granted merely because it is unopposed. However, when a plaintiff fails to prosecute or comply with a court order, the court may dismiss the

action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

We will dismiss this case for failure to prosecute and comply with a court order under the authority of Rule 41(b) if plaintiff fails to oppose the motion within ten (10) days of the date of this order.

Accordingly, this 19th day of June, 2002, it is ordered that:

1. Within ten (10) days of the date of this order, plaintiff shall file a brief in opposition to defendant's motion for summary judgement (doc. 17).
2. If plaintiff fails to do so, we will dismiss plaintiff's complaint pursuant to Rule 41(b).

  
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William W. Caldwell  
United States District Judge